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NOTICE OF ALLOWANCE AND FEE(S) DUE

26541

7590

12/01/2009

Cindy S. Kaplan
P.O. BOX 2448
SARATOGA, CA 95070

EXAMINER

JEAN GILLES, JUDGE

ART UNIT

PAPER NUMBER

2443

DATE MAILED: 12/01/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,630	03/01/2004	Robert Raszuk	CISCPC853	3104

TITLE OF INVENTION: TECHNIQUES FOR AUTOMATICALLY CREATING AN IBGP MESH

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	03/01/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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26541 7590 12/01/2009
 Cindy S. Kaplan
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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10791,630	03/01/2004	Robert Raszk	CISCP853	3104
TITLE OF INVENTION: TECHNIQUES FOR AUTOMATICALLY CREATING AN IBGP MESH				

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nonprovisional	NO	\$1510	\$0	\$0	\$1510	03/01/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
JEAN GILLES, JUDE	2443	709-223000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB-122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB-47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2
 3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
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4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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26541	7590	12/01/2009	EXAMINER	
			JEAN GILLIS, JUDGE	
			ART UNIT	PAPER NUMBER

Cindy S. Kaplan
P.O. BOX 2448
SARATOGA, CA 95070

2443

DATE MAILED: 12/01/2009

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 994 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 994 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/791,630

Examiner

JUDE J. JEAN GILLES

Applicant(s)

RASZUK, ROBERT

Art Unit

2443

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/25/2009.
2. ☒ The allowed claim(s) is/are 1, 3, 6-21, and 23-29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Jude J Jean-Gilles/
Primary Examiner, Art Unit 2443

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney for the applicants, Cindy Kaplan on Friday November 13, 2009.

During a the interview with Mrs. kaplan, the Examiner was authorized to amend the independent claims as indicated below through an Examiner's amendment, adding the BGP identifier and static configuration parameters to the BGP peering information to establish a BGP peering session and further clarifying the claimed invention.

Proposed Examiner's Amendment

Please amend all claims of the application as follow:

Claim 1 (currently amended): A method of establishing a BGP (Border Gateway Protocol) mesh in a network, comprising:

receiving BGP peering information flooded from a BGP speaker, the BGP peering information comprising a BGP identifier and static configuration parameters used to establish a BGP peering session;

automatically discovering at least one neighbor utilizing said received BGP peering information; and

automatically establishing said BGP peering session with said at least one

neighbor to establish a BGP mesh.

Claim 2 (canceled).

Claim 3 (original): The method of claim 1, wherein the network device is a router or route reflector.

Claim 4 (canceled).

Claim 5 (canceled).

Claim 6 (original): The method of claim 1, wherein the BGP peering information comprises a flooding protocol.

Claim 7 (original): The method of claim 6, wherein the flooding protocol is OSPF or ISIS.

Claim 8 (original): The method of claim 1, wherein the BGP peering information comprises a flooding scope.

Claim 9 (previously presented): The method of claim 1, wherein the BGP peering

information comprises an autosynchronous system (AS) number or confederation sub-AS number.

Claim 10 (original): The method of claim 1, wherein the BGP peering information comprises a force new peering flag and a new peering address.

Claim 11 (original): The method of claim 1, wherein the BGP peering information comprises an originator flag.

Claim 12 (original): The method of claim 11, wherein the BGP peering information comprises an address family identifier.

Claim 13 (original): The method of claim 1, wherein the BGP peering information comprises a route reflector flag.

Claim 14 (original): The method of claim 13, wherein the BGP peering information comprises an address family identifier.

Claim 15 (original): The method of claim 13, wherein the BGP peering information comprises a cluster identifier.

Claim 16 (original): The method of claim 1, wherein the BGP peering

information comprises an old BGP identifier.

Claim 17 (original): The method of claim 1, wherein the BGP mesh is an iBGP mesh.

Claim 18 (currently amended): A network system that establishes a BGP (Border Gateway Protocol) mesh in a network, comprising:

a first network device flooding BGP peering information comprising a BGP identifier and static configuration parameters used to establish a BGP peering session;
and

at least one other network device that receives the BGP peering information, automatically discovers at least one neighbor utilizing said received BGP peering information, and automatically establishes said BGP session with the at least one neighbor to establish a BGP mesh;

wherein at least one of the network devices is a BGP speaker.

Claim 19 (currently amended): A computer-readable storage medium encoded with a computer program that establishes a BGP (Border Gateway Protocol) mesh in a network, the computer program comprising:

computer code that configures a processor to receive BGP peering information flooded from a BGP speaker, the BGP peering information comprising a BGP identifier and static configuration parameters used to establish a BGP peering session;

computer code that configures a processor to automatically discover at least one neighbor utilizing said received BGP peering information; and

computer code that automatically establishes said BGP session with the at least one neighbor to establish a BGP mesh.

Claim 20 (currently amended): A network system that establishes a BGP (Border Gateway Protocol) mesh in a network, comprising:

means for receiving BGP peering information flooded from a BGP speaker, the BGP peering information comprising a BGP identifier and static configuration parameters used to establish a BGP peering session;

means for automatically discovering at least one neighbor utilizing said received BGP peering information; and

a means for automatically establishing said BGP session with the at least one neighbor to establish a BGP mesh.

Claim 21 (currently amended): A method of establishing a BGP (Border Gateway Protocol) mesh in a network, comprising:

receiving BGP peering information from a BGP speaker, the BGP peering information comprising a BGP identifier and static configuration parameters used to establish a BGP peering session;

analyzing the BGP peering information to identify at least one neighbor;

performing a BGP session with the at least one neighbor to establish a BGP mesh; and

flooding the received BGP peering information to at least one other network device.

Claim 22 (canceled).

Claim 23 (currently amended): A network system that establishes a BGP (Border Gateway Protocol) mesh in a network, comprising:

a first network device that receives BGP peering information, the BGP peering information comprising a BGP identifier and static configuration parameters used to establish a BGP peering session, analyzes the BGP peering information to identify at least one neighbor, performs a BGP session with the at least one neighbor to establish a BGP mesh, and floods the BGP peering information; and

a second network device that receives the BGP peering information from the first network device;

wherein at least one of the network devices is a BGP speaker.

Claim 24 (currently amended): A computer-readable storage medium encoded with a computer program that establishes a BGP (Border Gateway Protocol) mesh in a network, the computer program comprising:

computer code that receives BGP peering information, the BGP peering

information comprising a BGP identifier and static configuration parameters used to establish a BGP peering session;

computer code that analyzes the BGP peering information to identify at least one neighbor;

computer code that performs a BGP session with the at least one neighbor to establish a BGP mesh; and

computer code that floods the BGP peering information.

Claim 25 (currently amended): A network system that establishes a BGP (Border Gateway Protocol) mesh in a network, comprising:

means for receiving BGP peering information, the BGP peering information comprising a BGP identifier and static configuration parameters used to establish a BGP peering session;

means for analyzing the BGP peering information to identify at least one neighbor;

means for performing a BGP session with the at least one neighbor to establish a BGP mesh; and

means for flooding the received BGP peering information.

Claim 26 (currently amended): A method of establishing an iBGP (internal Border Gateway Protocol) mesh in a network, comprising:

receiving iBGP peering information flooded from a BGP speaker, the BGP

peering information comprising a BGP identifier and static configuration parameters used to establish an iBGP peering session;

automatically discovering at least one neighbor utilizing said received BGP peering information; and

automatically establishing said iBGP session with the at least one neighbor to establish an iBGP mesh.

Claim 27 (currently amended): A network system that establishes an iBGP (internal Border Gateway Protocol) mesh in a network, comprising:

a first network device flooding iBGP peering information comprising a BGP identifier and static configuration parameters used to establish an iBGP peering session; and

at least one other network device that receives the iBGP peering information, automatically discovers at least one neighbor utilizing said received BGP peering information, and automatically establishes said iBGP session with the at least one neighbor to establish an iBGP mesh;

wherein at least one of the network devices is a BGP speaker.

Claim 28 (currently amended): A computer-readable storage medium encoded with a computer program that establishes an iBGP (internal Border Gateway Protocol) mesh in a network, the computer program comprising:

computer code that configures a processor to receive iBGP peering information

flooded from a BGP speaker, the iBGP peering information comprising a BGP identifier and static configuration parameters used to establish an iBGP peering session;

computer code that configures a processor to automatically discover at least one neighbor utilizing said received BGP peering information; and

computer code that automatically establishes said iBGP session with the at least one neighbor to establish an iBGP mesh.

Claim 29 (currently amended): A network system that establishes an iBGP (internal Border Gateway Protocol) mesh in a network, comprising:

means for receiving iBGP peering information flooded from a BGP speaker, the iBGP peering information comprising a BGP identifier and static configuration parameters used to establish an iBGP peering session;

means for automatically discovering at least one neighbor utilizing said received BGP peering information; and

means for automatically establishing said iBGP session with the at least one neighbor to establish an iBGP mesh.

Cancelled Claims

Claims 2, 4, 5, and 22 are cancelled without prejudice or disclaimer.

Allowed Claims

Claims 1, 3, 6-21, and 23-29 are allowed. Renumbered 1-25.

Reason for allowance

The closest prior art or record, Unbehagen does not disclose a method/ to establish a BGP (Border Gateway Protocol) or an iBGP (internal Border Gateway Protocol) that comprises receiving BGP peering information flooded from a BGP speaker, the BGP peering information comprising a BGP identifier and static configuration parameters used to establish a BGP peering session; automatically discovering at least one neighbor utilizing said received BGP peering information; and automatically establishing said BGP peering session with said at least one neighbor to establish a BGP mesh. Applicant's argument in the Request for Continued Examination (RCE) dated 09/25/2009 supports the reasons for allowance and states the BGP peering information is flooded from a BGP speaker. Further, the independent claims are amended per this examiner's amendment to include additional BGP peering information such as the BGP identifier to the static configuration parameters used to establish the BGP session. In addition the specification documents, fig. 3, and pages 3-4 and 10-11 support the teaching of the claimed invention.

The dependent claims further limit the independent claims and are considered allowable on the same basis as the independent claims as well as for the further limitations set forth.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany

the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914.

The examiner can normally be reached on Monday- Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger, can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3301.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/791,630
Art Unit: 2443

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/Jude J Jean-Gilles/

Primary Examiner, Art Unit 2443

November 18, 2009